

ENTERED

May 31, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DANIEL LANE	§ CRIMINAL ACTION NO
LYNCH,	§ 4:20-CR-00223
Petitioner,	§
	§ <i>Related Docket:</i>
	§ CIVIL ACTION NO
	§ 4:22-cv-04148
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
	§
UNITED STATES OF	§
AMERICA,	§
Respondent	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Petitioner Daniel Lane Lynch, a federal inmate proceeding *pro se*, filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. Dkt 62. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. The United States moved for summary judgment. Dkt 71.

Pending is a Memorandum and Recommendation by the Magistrate Judge dated April 3, 2023. Dkt 80. She recommends that the motion for summary judgment be granted because (i) Lynch's Fourth Amendment claims aren't cognizable in a § 2255 proceeding; (ii) Lynch waived his right to assert Fourth Amendment claims when he entered his unconditional, voluntary guilty plea; and (iii) Lynch can't meet his burden on his ineffective-assistance-of-counsel claim because he can't show that he has a meritorious Fourth Amendment claim, that counsel's

performance was deficient, or that he suffered prejudice. *Ibid.*

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 80.

The motion by the United States for Summary Judgment is GRANTED. Dkt 71.

The motion by Petitioner Daniel Lane Lynch under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence is DENIED.

SO ORDERED.

Signed on May 31, 2023, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge